

United States District Court District of Massachusetts

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2004-10001-RGS-O1
-02

MARCOS PIETRO DE OLIVEIRA ROCHA,
ARI ALVES TEIXEIRA,
Defendants.

ORDER AND RECOMMENDATION AFTER FINAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5(C)

COLLINGS, U.S.M.J.

A Final Status Conference was held on March 29, 2004.

The within Order is prepared pursuant to Local Rule 116.5(D). Using the numeration of matters listed in Local Rule 116.5(C), I report as follows:

- (1) None.
- (2) The Government is will produce a new complete set of audio tapes.
- (3) No.

- (4) The United States has not requested notice of alibi.
- (5) The defendants have until the close of business on ***Tuesday, April 20, 2004*** to file any non-discovery type motions; the Government shall respond to any motions within the time period specified in the Local Rules. NO FURTHER ENLARGEMENTS SHALL BE GRANTED.
- (6) An Initial Pretrial Conference should be set as soon as possible after May 5, 2004 to hear any non-discovery type motions and to set a firm trial date.
- (7) A plea is unlikely as to defendant Teixeira; unknown as to defendant Rocha.
- (8) See Further Order of Excludable Delay entered this date.
- (9) Five trial days.

Using the numeration of matters listed in Local Rule 116.5(D), I report as follows:

- (1) Yes.
- (2) Yes; no reason for the case to remain with the magistrate judge.
- (3) See ¶ (5), *supra*.
- (4) See ¶ (8), *supra*.
- (5) Five trial days.
- (6) None.

I RECOMMEND that the Court set the case down for an Initial Pretrial Conference pursuant to Local Rule 117.1 (at which any non-discovery type

motions might be heard) on or after May 5, 2004 to set a firm trial date.

THE FILE IS RETURNED TO THE CLERK'S OFFICE WITH INSTRUCTIONS TO BRING THE CASE TO THE IMMEDIATE ATTENTION OF THE COURTROOM DEPUTY CLERK ASSIGNED TO JUDGE STEARNS' SESSION.

The Clerk shall enter on the docket the fact that the case "is no longer referred to Magistrate Judge Collings."

/s/ Robert B. Collings

ROBERT B. COLLINGS
United States Magistrate Judge

March 31, 2004.